

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 220

Introduced by Senator Chesbro

February 15, 2005

An act to amend Section ~~23008~~ 25608 of the Business and Professions Code, relating to alcoholic beverages, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 220, as amended, Chesbro. Alcoholic beverage control: ~~person~~ *school property.*

~~The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control, and defines various terms for specified purposes.~~

~~This bill would make a nonsubstantive, technical change to the definition of the term "person" contained in these provisions.~~

Existing law generally prohibits the sale, possession, or consumption of alcoholic beverages at a public schoolhouse. Existing law provides that this prohibition does not apply if certain conditions apply.

This bill would exempt from the prohibition wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 23008 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 *SECTION 1. Section 25608 of the Business and Professions*
4 *Code is amended to read:*

5 25608. Every person who possesses, consumes, sells, gives,
6 or delivers to any other person, any alcoholic beverage in or on
7 any public schoolhouse or any of the grounds thereof, is guilty of
8 a misdemeanor. This section does not, however, make it unlawful
9 for any person to acquire, possess, or use any alcoholic beverage
10 in or on any public schoolhouse, or on any grounds thereof, if
11 any of the following applies:

12 (a) The alcoholic beverage is acquired, possessed, or used in
13 connection with a course of instruction given at the school and
14 the person has been authorized to acquire, possess, or use it by
15 the governing body or other administrative head of the school.

16 (b) The public schoolhouse is surplus school property and the
17 grounds thereof are leased to a lessee which is a general law city
18 with a population of less than 50,000, or the public schoolhouse
19 is surplus school property and the grounds thereof are located in
20 an unincorporated area and are leased to a lessee which is a civic
21 organization, and the property is to be used for community center
22 purposes and no public school education is to be conducted
23 thereon by either the lessor or the lessee and the property is not
24 being used by persons under the age of 21 years for recreational
25 purposes at any time during which alcoholic beverages are being
26 sold or consumed on the premises.

27 (c) The alcoholic beverages are acquired, possessed, or used
28 during events at a college-owned or college-operated veterans
29 stadium with a capacity of over 12,000 people, located in a
30 county with a population of over six million people. As used in
31 this subdivision, "events" mean football games sponsored by a
32 college, other than a public community college, or other events
33 sponsored by noncollege groups.

34 (d) The alcoholic beverages are acquired, possessed, or used
35 during an event not sponsored by any college at a performing arts
36 facility built on property owned by a community college district
37 and leased to a nonprofit organization which is a public benefit
38 corporation formed under Part 2 (commencing with Section

1 5110) of Division 2 of Title 1 of the Corporations Code. As used
2 in this subdivision, “performing arts facility” means an
3 auditorium with more than 300 permanent seats.

4 (e) The alcoholic beverage is wine for sacramental or other
5 religious purposes and is used only during authorized religious
6 services held on or before January 1, 1995.

7 (f) The alcoholic beverages are acquired, possessed, or used
8 during an event at a community center owned by a community
9 services district and the event is not held at a time when students
10 are attending a public school sponsored activity at the center.

11 (g) The alcoholic beverage is wine which is acquired,
12 possessed, or used during an event sponsored by a community
13 college district or an organization operated for the benefit of the
14 community college district where the college district maintains
15 both an instructional program in viticulture on no less than five
16 acres of land owned by the district and an instructional program
17 in enology, which includes sales and marketing.

18 (h) The alcoholic beverage is acquired, possessed, or used at a
19 professional minor league baseball game conducted at the
20 stadium of a community college located in a county with a
21 population of less than 250,000 inhabitants, and the baseball
22 game is conducted pursuant to a contract between the community
23 college district and a professional sports organization.

24 (i) The alcoholic beverages are acquired, possessed, or used
25 during events at a college-owned or college-operated stadium or
26 other facility. As used in this subdivision, “events” means
27 fundraisers held to benefit a nonprofit corporation that has
28 obtained a license pursuant to this division for the event.
29 “Events” does not include football games or other athletic
30 contests sponsored by any college or public community college.
31 This subdivision shall not apply to any public education facility
32 in which any grade from kindergarten to grade 12, inclusive, is
33 schooled.

34 (j) The alcoholic beverages are possessed, consumed, or sold,
35 pursuant to a license obtained under this division, for an event
36 during the weekend or at other times when pupils are not on the
37 grounds of an overnight retreat facility owned and operated by a
38 county office of education in a county of the 18th class.

39 *(k) The alcoholic beverage possessed, consumed, or sold,*
40 *pursuant to a license obtained under this division, is wine that is*

1 *produced by a bonded winery owned or operated as part of an*
2 *instructional program in viticulture and enology.*

3 Any person convicted of a violation of this section shall, in
4 addition to the penalty imposed for the misdemeanor, be barred
5 from having or receiving any privilege of the use of public school
6 property which is accorded by Article 2 (commencing with
7 Section 82537) of Chapter 8 of Part 49 of the Education Code.

8 *SEC. 2. This act is an urgency statute necessary for the*
9 *immediate preservation of the public peace, health, or safety*
10 *within the meaning of Article IV of the Constitution and shall go*
11 *into immediate effect. The facts constituting the necessity are:*

12 *In order to ensure that equal treatment is accorded to similarly*
13 *situated entities at the earliest possible time it is necessary that*
14 *this act take effect immediately.*

15 ~~23008. "Person" includes any individual, firm, copartnership,~~
16 ~~joint venture, association, corporation, estate, trust, business~~
17 ~~trust, receiver, syndicate, or any other group or combination~~
18 ~~acting as a unit, and the plural as well as the singular number.~~